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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,165	07/21/2003	Tiet Pham	100.554US01	6359
34206	7590	10/16/2008		
FOGG & POWERS LLC			EXAMINER	
10 SOUTH FIFTH STREET			TO, JENNIFER N	
SUITE 1000				
MINNEAPOLIS, MN 55402			ART UNIT	PAPER NUMBER
			2195	
			NOTIFICATION DATE	DELIVERY MODE
			10/16/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@fogglaw.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/624,165	PHAM, TIET	
<b>Examiner</b>	<b>Art Unit</b>		
JENNIFER N. TO	2195		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07 August 2008.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-5,8-13,16-21 and 23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5,8-13,16-21 and 23 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ .  | 6) <input type="checkbox"/> Other: _____ .                        |

## DETAILED ACTION

1. Claims 1-5, 8-13, 16-21, and 23 are pending for examination.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5, 8-13, 16-21, and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Dailey (U.S. Publication No. 2003/0217093).

4. Dailey was cited in the previous office action.

5. As per claim 1, Dailey teaches the invention as claim including a method of scheduling a plurality of periodic events, wherein each periodic event has an associated periodic interval of time and an associated set of services (abstract), the method comprising:

determining when one of the plurality of periodic events occurs (abstract, paragraphs [0005]-[0007], [0024], detecting when one of the periodic event occurs);

determining for each of the set of services associated with that periodic event if that service is enabled for execution (paragraphs [0028]-[0031], when the periodic event occurs, based on the bit associated with the task, the task manager determining which task is enable for execution); and

distributing the execution of the services associated with that periodic event throughout a next periodic interval of time associated with that periodic event following the occurrence of that periodic event (abstract; figs. 4, paragraph [0034], fig. 4 shown that for each period interrupt, it is associated with a single task, the task for each periodic interrupt should be spread throughout the interval such that it does not occur at the same time. If the periodic interrupt is associated with a plurality of tasks, the plurality of tasks should be spread throughout the interval as well; paragraph [0034]) shown that a trigger can be associated with a set of tasks).

6. As per claim 2, Dailey teaches that wherein one of the periodic events occurs when a periodic interval of time associated with that periodic event elapses (paragraphs [0009], [0024]).

7. As per claim 3, Dailey further teaches configuring at least one set of services associated with that periodic event in a one-shot mode in which the service is enable for execution one time and then disable (paragraph [0035], page 5, claim 14).

8. As per claim 4, Dailey further teaches configuring at least one set of services associated with that periodic event in a burst mode in which the service is enable for execution a predetermined number of times and then is disable (paragraph [0004])

9. As per claim 5, Dailey further teaches configuring at least one set of services associated with that periodic event in a continuous mode in which the service is enable and executed continuously (paragraphs [0031], [0032]).

10. As per claim 8, Dailey teaches that wherein distributing the execution of the enabled services includes executing successive enabled services on successive clock ticks following the clock tick on which that periodic event occurred (paragraphs [0027]-[0031]).

11. As per claim 9, it is rejected for the same reason as claim 1 above. In addition, Dailey teaches a tick generator that generates interrupts in response to clock ticks (paragraphs [0007]-[0008], and an interrupt handler that receives the interrupts from the tick generator and executes the periodic event scheduler in response to the interrupt (paragraph [0024]).

12. As per claims 10-13, 16-21, and 23, they are rejected for the same reason as claims 1-5, 8-9 above.

***Response to Arguments***

13. Applicant's arguments filed 08/07/2008 have been fully considered but they are not persuasive in view of the new ground of rejection.

14. In the remark applicant argued that Dailey fails to teach:

- (1) determining for each of the set of services associated with that periodic event if that service is enabled for execution;
- (2) configuring at least one set of services associated with that periodic event in a one-shot mode in which the service is enable for execution one time and then disable;
- (3) configuring at least one set of services associated with that periodic event in a burst mode in which the service is enable for execution a predetermined number of times and then is disable;
- (4) configuring at least one set of services associated with that periodic event in a continuous mode in which the service is enable and executed continuously.

15. Examiner respectfully disagreed with applicant.

As to point (1) Dailey teaches determining for each of the set of services associated with that periodic event if that service is enabled for execution (see paragraph 5 above). Thus Dailey teaches determining for each of the set of services associated with that periodic event if that service is enabled for execution.

As to point (2), Dailey teaches configuring at least one set of services associated with that periodic event in a one-shot mode in which the service is enable for execution

one time and then disable (see paragraph 7 above). Thus Dailey teaches configuring at least one set of services associated with that periodic event in a one-shot mode in which the service is enable for execution one time and then disable.

As to point (3), Dailey teaches configuring at least one set of services associated with that periodic event in a burst mode in which the service is enable for execution a predetermined number of times and then is disable (see paragraph 8 above). Thus Dailey teaches configuring at least one set of services associated with that periodic event in a burst mode in which the service is enable for execution a predetermined number of times and then is disable.

As to point (4), Dailey teaches configuring at least one set of services associated with that periodic event in a continuous mode in which the service is enable and executed continuously (see paragraph 9 above). Thus Dailey teaches configuring at least one set of services associated with that periodic event in a continuous mode in which the service is enable and executed continuously.

### ***Conclusion***

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer N. To whose telephone number is (571) 272-7212. The examiner can normally be reached on M-T 6AM- 3:30 PM, F 6AM- 2:30 PM.

17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Jennifer N. To/  
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